COMMISSION DIRECTIVE 92/90/EEC

of 3 November 1992

establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (1), as last amended by Commission Directive 92/10/EEC (2), and in particular Article 6 (7), fourth indent, and Article 6 (8),

Whereas the application of the Community plant health regime to the Community as an area without internal frontiers, will require the carrying out of plant health checks of Community products of plant health concern before their movement within the Community; whereas the most appropriate place for carrying out these checks is the place of production of producers listed in an official register;

Whereas, with a view to the production of plants, plant products or other objects which are not infested or infected by harmful organisms referred to in Council Directive 77/93/EEC, and adequate monitoring by Member States of that production, it is necessary to establish more rules on the listing of producers or other persons for which the listing in an official register is required, as well as certain detailed and — to that extent — uniform obligations to which producers of plants, plant products or other objects should be subject;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall ensure that any producer, collective warehouse, dispatching centre, other person or importer who come under Article 6 (4), third subparagraph, Article 6 (5), Article 10 (3), second indent or Article 12 (6), second subparagraph, of Directive 77/93/EEC respectively, shall enter an application for listing in an official register, through an appropriate registration procedure, to the responsible official bodies referred to in Directive 77/93/EEC.

2. Member States shall ensure that on receipt of the application referred to in paragraph 1, the said responsible official bodies shall record this application in an official register of applications and shall examine the information supplied in the application form.

3. The said responsible official bodies shall list each producer, collective warehouse, dispatching centre, other person or importer referred to in paragraph 1, in the official register mentioned in the same paragraph, under an individual registration number enabling their respective identification, once the said responsible official bodies have established that the producer, collective warehouse, dispatching centre, other person or importer is able and willing to meet the obligations laid down in Article 2 (2) and those referred to Article 2 (3) and Article 3.

4. In those cases, where, upon the examination referred to in paragraph 2 it is considered that the obligations referred to in Article 2 (2) will not be met, the said responsible official bodies shall not list the producer, collective warehouse, dispatching centre, other person or importer in the official register mentioned in paragraph 1 as long as paragraph 3 does not apply.

5. The Member States shall ensure that the listing shall be amended or renewed, as appropriate, if the producer, collective warehouse, dispatching centre, other person or importer referred to in paragraph 1 decides to carry out activities in addition to, or instead of, those for which he was initially listed.

6. The Member States shall ensure that the said responsible official bodies shall take the necessary measures if the obligations referred to in Article 2 (2), and where appropriate Article 2 (3) and Article 3, cease to be met.

7. Any measure taken under paragraph 6 shall be withdrawn as soon as it has been established that the producer, collective warehouse, dispatching centre, other person or importer is likely, in the future, to comply with the requirements and conditions of this Directive.

Article 2

1. The Member States shall ensure that under the registration procedure, referred to in Article 1, any producer, collective warehouse, dispatching centre, other person or

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 70, 17. 3. 1992, p. 27.